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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,624	12/06/2001	Harold J. Plourde JR.	A-7313	3244

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EXAMINER

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/008,624	Applicant(s) PLOURDE ET AL.	
	Examiner Nigar Chowdhury	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 18, 39 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 19, 40. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2621

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 9, 20, 22-25, 30, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,985,669 by Unger.

2. Regarding claim 1, a media content recording system in a subscriber television system, comprising (Fig. 1, Col. 3 line 10-17):

- A memory for storing logic (Col. 6 line 20-25)
- A buffer space for buffering a plurality of media content instances (Col. 4 line 51-53)
- A processor configured with the logic to designate as permanent only a media content instance among the plurality of media content instances in the buffer space that is requested by a user for permanent recording (Col. 4 line (Col. 4 line 27-31)).

3. Referring claim 2, the system of claim 1, the processor is further configured with the logic to provide a user interface, responsive to input from the user, that segregates the media content instances of the buffer space into separately identifiable media content instances and enables the user to select and permanently record at least one of the media content instances (Fig. 1, Col. 3 line 10-17, Col. 4 line 27-31)

4. Considering claim 3, the system of claim 2, the processor is further configured with the logic to enable the user to permanently record a displayed media content instance of the buffer space by selecting a button on an input device during any buffered and displayed frame of the media content instance to be permanently recorded (Fig. 1, Col. 5 line 41-44).

5. Referring claim 4, the system of claim 2, the processor is further configured with the logic to provide the buffered media content instances as entries in a displayed pre-configured list that enables the user to select which entry to be permanently recorded (Fig. 1, Col. 5 line 41-44, Col. 5 line 20-27).

6. Regarding claim 9, the system of claim 1, the processor is further configured with the logic to configure the media content instances as media content instance files (Col.4 line 28-35, 43-48, Col. 5 line 50-63. In this reference file is clip.).

7. Referring claim 20, the system of claim 1, the processor is further configured with the logic to delete the permanently designated media content instance as requested by the user (Fig. 3, Col. 6 line 58-60)

8. Method claims 22-25 are rejected for the same reason as discussed in the corresponding system claims 1-4 above.

9. Method claim 30 is rejected for the same reason as discussed in the corresponding system claim 9 above.

10. Method claim 41 is rejected for the same reason as discussed in the corresponding system claim 20 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5, 6, 13, 26, 27, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,669 by Unger in view of U.S. Patent No. 6,211,858 by Moon et al.

12. Regarding claim 5, the system of claim 1, the processor is further configured with the logic to maintain a management file for each of the buffered media content instances, wherein the processor is further configured with the logic to maintain a status flag in the management file wherein the status flag is configured as temporary for a buffered media content instance that is not designated for permanent recording.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose status flag.

Moon teaches a status flag in the status bar to indicate a new e-mail has arrived (Fig. 5, Col. 5 line 41-48. When user open up the new e-mail, it's change the status of the e-mail from new to old. And user can also save the e-mail by clicking save button on the image buttons at 120).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have status flag in the status bar to show the user if any new message come up in the file. User doesn't have to check email to see any new mail come up or not. User can know by looking at the flag in the bar.

13. Referring claim 6, the system of claim 5, the processor is further configured with the logic to configure the status flag of the management file for a buffered media content instance as permanent when the user requests that said media content instance be permanently recorded, wherein the processor is further configured with the logic to cause the permanently recorded media content instance to have a permanent designation in a file allocation table in response to having the status flag of the corresponding management file configured as permanent, such that the buffer space storing the permanently recorded media content instance becomes designated as non-buffer space.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose status flag.

Moon teaches a status flag in the status bar to indicate a new e-mail has arrived (Fig. 5, Col. 5 line 41-48. When user open up the new e-mail, it's change the status of the e-mail from new to old. And user can also save the e-mail by clicking save button on the image buttons at 120). Moon also teaches file allocation table in response to have the status flag on the menu (Fig. 7, Col. 6 line 59-67, Col. 7 line 1-7. User can see the status flag in the status bar and also in the menu.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have status flag in the status bar and menu to show the user if any new message come up in the file.

14. Claim 13 is rejected for the same reason as discussed in the corresponding claim 6 above.

15. Method claims 26, 27, and 34 are rejected for the same reason as discussed in the corresponding system claims 5, 6, and 13 respectively above.

16. Claims 10 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,669 by Unger in view of U.S. Patent No. 6,920,567 by Doherty et al.

17. Considering claim 10, the system of claim 9, the processor is further configured with the logic to randomly generate file names for the media content instance files.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose randomly generate file name.

Doherty teaches randomly generate file name on the system and stored in the system for future (Col. 6 line 49-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have system for installing a digital content file by randomly generate file name for user to use that in future.

18. Method claim 31 is rejected for the same reason as discussed in the corresponding system claim 10 above.

19. Claims 7, 8, 11, 12, 28, 29, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,669 by Unger in view of U.S. Patent No. 6,591,421 by Sullivan.

20. In claim 7, the system of claim 1, the processor is further configured with the logic to use media content instance guide data to determine the start time and stop time of a media content instance buffered into the buffer space.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose the guide data.

Sullivan teaches program guide data to determine the start time and end time of the media content (Col. 5 line 54-67, Col. 6 line 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have guide data to determine the time of starting and ending of the recorded program.

21. Referring claim 8, the system of claim 1, the processor is further configured with the logic to determine the receipt time into the buffer space by using the time indicated by an internal clock.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose the guide data.

Sullivan teaches program guide data to determine the start time and end time of the media content through the internal clock (Col. 5 line 54-67, Col. 6 line 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have guide data to determine the time of starting and ending of the recorded program through the internal clock.

22. In claim 11, the system of claim 9, the processor is further configured with the logic to use titles of the media content instances from media content instance guide data as media content instance file names.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose title of the content

Sullivan teaches title in the program (Col. 6 line 14-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a title on the program to make it easier for the viewer. Viewer can easily look up the program by the title name.

23. Referring claim 12, the system of claim 11, the media content instance file names include channel number, the media content instance title, and the source of the media content instance.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip

which is indexed and labeled for subsequent retrieval. Unger fails to disclose title and channel of the content.

Sullivan teaches title and channel in the program.(Col. 6 line 14-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a title on the program to make it easier for the viewer. Viewer can easily look up the program by the title name or the channel number.

24. Method claims 28, 29, 32, and 33 are rejected for the same reason as discussed in the corresponding system claims 7, 8, 11 and 12 respectively above.

25. Claims 14-19, and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,669 by Unger in view of U.S. Patent No. 5,675,375 by Riffiee.

26. Regarding claim 14, the system of claim 1, the processor is further configured with the logic to buffer analog broadcast media content instances, received at a communications interface, as digitally compressed media content instances.

Unger discloses PVR includes a bookmark feature with which a user can specify and capture segments of an audiovisual program. Unger also discloses captured clip which is indexed and labeled for subsequent retrieval. Unger fails to disclose compressor.

Riffee teaches compressor which compresses digital signal (Fig. 2, Col. 4 line 50-60, Col. 6 line 10-14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have compressor to increase the speed of the transmission of the signals.

27. Claims 15-18 are rejected for the same reason as discussed in the corresponding claim 14 above.

28. Claim 19 is rejected for the same reason as discussed in claim 18 above.

29. Method claims 35-40 are rejected for the same reason as discussed in the corresponding system claims 14-19 respectively above.

30. Claims 21 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,669 by Unger in view of (a) U.S. Patent No. 6,591,421 by Sullivan, (b) U.S. Patent No. 5,675,375 by Riffee, (c) U.S. Patent No. 6,211,858 by Moon et al., (d) U.S. Patent No. 6,920,567 by Doherty et al.

31. Claims 21 and 42 are a combination of claims 1-20. Therefore claim 21 is rejected for the same reason as discussed in the corresponding claims 1-20 above

Conclusion

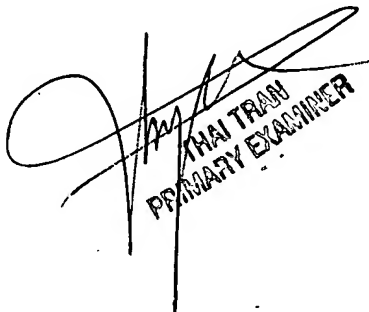
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NIC
04/18/2006


THAI TRAN
PRIMARY EXAMINER